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AT&T CORP
PO BOX 4110
MIDDLETON NJ 07748

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EXAMINER
BAROTT, B

ART UNIT
2738

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action SummaryApplication No.
08/682,034

Applicant(s)

Bruce L. Hanson

Examiner

Bharat Barot

Group Art Unit

2758 Responsive to communication(s) filed on Jun 5, 1998. This action is FINAL. Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims Claim(s) 1-30 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

 Claim(s) _____ is/are allowed. Claim(s) 1-30 is/are rejected. Claim(s) _____ is/are objected to. Claims _____ are subject to restriction or election requirement.**Application Papers** See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948. The drawing(s) filed on _____ is/are objected to by the Examiner. The proposed drawing correction, filed on _____ is approved disapproved. The specification is objected to by the Examiner. The oath or declaration is objected to by the Examiner.**Priority under 35 U.S.C. § 119** Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d). All Some* None of the CERTIFIED copies of the priority documents have been received. received in Application No. (Series Code/Serial Number) _____. received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

 Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).**Attachment(s)** Notice of References Cited, PTO-892 Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ Interview Summary, PTO-413 Notice of Draftsperson's Patent Drawing Review, PTO-948 Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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RESPONSE TO AMENDMENT

1. Claims 1-30; and amended claims 1, 9, 17, and 22 remain for further examination.

Specification

2. Applicants' response regarding objection of the title have been fully considered and objection of the title has been **withdrawn**. Because applicants amend a new title which is clearly indicate and describe the invention.

Drawings

3. This application has been filed with informal drawings which are acceptable for examination purposes only. Applicant did not response the notice of Draftsperson's Patent Drawing Review, PTO-948 which was mailed on April 30, 1998 with the First Office Action. Formal drawings will be required when the application is allowed.

4. Applicant's response regarding objection of the figure 2B under 37 CFR 1.84(p)(5) have been fully considered and objection of the figure 2B under 37 CFR 1.84(p)(5) has been **withdrawn**.

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The new grounds of rejection

5. Applicant's arguments with respect to claims 1-30 have been considered but are deemed to be moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103(a)

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

7. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bieselin et al (U.S. Patent No. 5,668,863) in view of Katsuyama et al (U.S. Patent No. 5,740,304).

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8. As to claim 1, Bieselin teaches a method of facilitating a user's review of audio file over at least two review sessions, the audio file having been communicated to the user over a communication network (see abstract; figures 1, 3, and 7D; column 3 line 31 to column 4 line 20; column 5 line 33 to column 6 line 8; and column 9 lines 11-40), the method comprising a step of : monitoring a user's progress in the user's review of audio file during a first review session (figures 3-4 and 7D; column 5 line 33 to column 6 line 23; and column 9 lines 11-40).

However, Bieselin does not explicitly teach a step of : storing an indication of the user's progress in reviewing the audio file during the first review session when the user terminates the first review session.

Katsuyama teaches the step of : storing an indication of the user's progress in reviewing the audio file during the first review session when the user terminates the first review session (see abstract; figure 24; and column 23 line 18 to column 24 line 15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the method of Katsuyama with the method of Bieselin because it would increase utilization and flexibility of the system.

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9. As to claims 2-4, Bieselin discloses that the step of an audio file service furnishing the audio file to the user over a communication channel, the communication channel comprises a data network and a telephone network (figure 1; and column 3 line 31 to column 4 line 20).

10. As to claim 5, neither Bieselin nor Katsuyama explicitly discloses that the communication channel comprises a wireless communication channel.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the wireless communication channel instead of communication channel like a data network or a telephone network in a system of Bieselin because it would increase utilization and flexibility of the system.

11. As to claims 6 and 8, Bieselin teaches that the steps are implemented by a user's personal appliance and a communication network-based service (figure 1; and column 3 line 31 to column 4 line 20).

12. As to claim 7, Katsuyama discloses that the audio program or file is stored on a CD-ROM (figures 1 and 23; column 4 line 50 to column 5 line 2; and column 21 line 63 to column 22 line 14).

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13. As to claim 9, above remarks rejecting claim 1 equally apply here. Additionally, Katsuyama teaches a step of : in a second audio file review session subsequent to the termination of the first review session, playing the audio file to user beginning from a position within the file determined based on the stored indication (figure 24; and column 23 line 44 to column 24 line 15).

14. As to claims 10-16, they are also rejected for the same reasons set forth to rejecting claims 2-8 above.

15. As to claim 17, above remarks rejecting claim 1 equally apply here. Additionally, Katsuyama teaches a method of creating a bookmark for use with an audio service that provides sequential audio information, the method comprising the steps of : associating a user code with a user of the audio service; monitoring a present location of the user in a sequence of audio information in an access to the audio service; detecting a termination of the access to the audio service; creating a termination code defining the present location of the user in the sequence at the time the termination is detected; correlating the user code and the terminating code; and storing the result of the correlating step (figures 24 and 27-28; column 23 line 18 to column 24 line 39; and column 25 line 23 to column 26 line 63).

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16. As to claim 18, Bieselin teaches that a SIC (meeting code) is associated with each audio service; and the step of correlating further includes the step of associating a SIC with the UC (user ID) and the TC (DTMF code) (figures 5A and 7A; column 6 lines 24-51; and column 8 lines 35-55).

17. As to claim 19, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an initialization value at the start of the service for loading a register and updating the register.

18. As to claim 20, Katsuyama teaches that a step of revising the contents of the register to hold a block identifier corresponding to the block of information being conveyed by the service at the time (figure 24; and column 23 line 25 to column 24 line 15).

19. As to claim 21, it would have been obvious and well-known in the art at the time the invention was made to store the time elapsed from the beginning of the providing of the audio information.

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20. As to claim 22, above remarks rejecting claim 17 equally apply here.

Additionally, Bieselin teaches the steps of : generating a menu of a plurality of audio services; detecting a selection of one of the plurality of audio services; and transmitting audio information from the selected audio service (figures 6C and 7A-7E; column 8 lines 12-18; and column 8 line 27 to column 9 line 62). Katsuyama teaches the steps of : creating and storing a bookmark that identifies a user, the selected service and the user's position in the selected service at the time of the termination; subsequently accessing the bookmark; and returning the user to the location of the selected service based on the bookmark (figures 24 and 27-28; column 23 line 18 to column 24 line 39; and column 25 line 23 to column 26 line 63).

21. As to claim 23, Bieselin discloses that the each service has blocks of audio information with unique ID and teaches that the temporarily storing the block ID as that information is transmitted (figures 5A-5C; and column 6 line 24 to column 7 line 56).

22. As to claim 24, above remarks rejecting claim 21 equally apply here.

23. Claims 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bieselin et al (U.S. Patent No. 5,668,863).

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24. As to claim 25, Bieselin discloses an audio information service platform comprising : an audio database; a personal profile database; and a service controller creating a user ID, and storing an audio ID and a playback position ID with the user ID in the personal profile database (figures 1 and 2A-2B; column 3 line 31 to column 5 line 16). However, Bieselin does not explicitly disclose a program playback module coupled to the audio database; and a playback position monitor coupled to the program playback module. But Bieselin discloses an apparatus coupled to the audio database to playback a recorded teleconference; and an audio conferencing subsystem coupled to the apparatus to monitor playback position (figures 1 and 3; column 3 line 65 to column 4 line 20; and column 5 lines 33-49) which is functionally equivalent to the claim invention.

25. As to claim 26, Bieselin discloses that the audio database stores an audio information for a plurality of audio services (figure 1; and column 3 line 56 to column 4 line 20).

26. As to claim 27, Bieselin discloses a service menu module, coupled to the service controller and identifying an audio service in the audio database that is desired by a user (figure 1, 4, and 6C; column 3 line 46 to column 4 line 9; column 6 lines 9-24; and column 8 lines 12-18).

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27. As to claim 28, Bieselin discloses that the service menu module advises the service controller of a desired starting point for an identified audio service (figures 5A-5C; and column 6 line 24 to column 7 line 56).

28. As to claim 29, Bieselin discloses a user ID module that identifies a service user and the service controller searches the personal profile database for data relating to an identified service user (figures 5A and 7A; column 6 lines 24-51; and column 8 lines 35-55).

29. As to claim 30, above remarks rejecting claim 25 equally apply here. Additionally, Bieselin discloses that to initiate a resumption of an audio file at a location defined by an audio conferencing subsystem associated with an identified service user in the personal profile database (figure 3; and column 5 line 50 to column 6 line 9).

Contact Information

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose telephone number is (703) 305-4092. The examiner can normally be reached on Monday-Friday from 7:00 AM to 4:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Parsh Lall**, can be reached on (703) 305-9715. The fax phone number for examiner's Art Unit or Group is (703) 308-5357.

Any inquiry of general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-3900.

BB

Patent Examiner Bharat Barot

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July 20, 1998



PARSHOTAM S. LALL
SUPERVISORY PATENT EXAMINER